

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:09-CV-143-FDW-DCK**

DONNETTA COOK-THOMAS,)	
O/B/O A.S.T.,)	
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

THIS MATTER is before the Court on *pro se* Plaintiff's "Motion for Summary Judgment" (Doc. No. 15), "Defendant's Motion To Dismiss For Failure To Comply With Court Order" (Doc. No. 17), the Magistrate Judge's Memorandum and Recommendation ("M&R") (Doc. No. 20), and the Plaintiff's Response noting no objections (Doc. No 21). This matter is now ripe for review. For the reasons that follow, the Court ACCEPTS and ADOPTS the M&R (Doc. No. 20), DENIES WITHOUT PREJUDICE the Plaintiff's Motion for Summary Judgment (Doc. No. 15), and DENIES WITHOUT PREJUDICE the Defendant's Motion to Dismiss (Doc. No. 17).

I. STANDARD OF REVIEW

The Federal Magistrate Act states that "a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). "By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). De novo review is also not required "when a party makes general or

conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations." *Id.* The district court need not review issues that are beyond the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Upon careful review of the record, the district court may accept, reject, or modify the findings or recommendations made by the magistrate judge. *Id.*

II. DISCUSSION

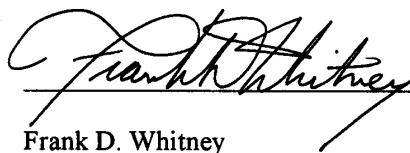
Federal Rule of Civil Procedure 72(b) allows a party fourteen (14) days to file specific written objections to a Magistrate Judge's proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). The parties were notified that objections to the M&R must be filed within this time frame. *Pro se* Plaintiff's filed a response noting no objections to the M&R. (Doc. No. 20) Defendant did not file any objections as of the date of this Order. Considering no objections were filed and after a careful review of the record in this case, the Court finds that the Magistrate Judge's recommendations are consistent with and supported by law.

III. CONCLUSION

IT IS THEREFORE ORDERED that the Memorandum and Recommendation (Doc. No. 20) is hereby ACCEPTED and ADOPTED, the Plaintiff's Motion for Summary Judgment (Doc. No. 15) is DENIED WITHOUT PREJUDICE, and the Defendant's Motion to Dismiss For Failure to Comply With Court Order (Doc. No. 17) is DENIED WITHOUT PREJUDICE. In accordance with the deadlines set forth in the M&R, Plaintiff shall have an extension of time to file a motion for summary judgment and memorandum of law in support, and Defendant shall have an opportunity to file a response. The Clerk is directed to send copies of this Order to the *pro se* Plaintiff at her address of record and to counsel for the Defendant.

IT IS SO ORDERED.

Signed: April 29, 2010



Frank D. Whitney
United States District Judge

